

**MINUTES**  
**LAKE COUNTY ZONING BOARD**  
**October 6, 2010**

The Lake County Zoning Board met on Wednesday, October 6, 2010 in the Commission Chambers on the second floor of the County Administration Building to consider petitions for rezoning and conditional use permits.

The recommendations of the Lake County Zoning Board will be transmitted to the Board of County Commissioners for their public hearing to be held on Tuesday, October 26, 2010 at 9 a.m. in the Commission Chambers on the second floor of the County Administration Building, Tavares, Florida.

**Members Present:**

Timothy Morris, Vice Chairman	District 1
Scott Blankenship	District 2
James Gardner, Secretary	District 3
Egor Emery	District 4
Paul Bryan, Chairman	District 5
Mark Wells	At-Large Representative
Larry Metz	School Board Representative

**Members Not Present:**

John Childers	Ex-Officio, Nonvoting Military Representative
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**Staff Present:**

Brian Sheahan, AICP, Planning Director, Planning and Community Design Division  
Steve Greene, AICP, Chief Planner, Planning and Community Design Division  
Melving Isaac, Planner, Planning and Community Design Division  
Sherie Ross, Public Hearing Coordinator, Planning and Community Design Division  
Ann Corson, Office Associate IV, Planning and Community Design Division  
Ross Pluta, Engineer III, Engineering Division  
Erin Hartigan, Assistant County Attorney

Chairman Bryan called the meeting to order at 9 a.m. He led in the Pledge of Allegiance, and James Gardner gave the invocation. Chairman Bryan noted that a quorum was present. He confirmed the Proof of Publication for each case as shown on the monitor and that this meeting had been noticed pursuant to the Sunshine Statute.

Chairman Bryan explained the procedure for hearing cases on the consent and regular agendas. He stated that all exhibits presented at this meeting by staff, owners, applicants, and those in support or opposition must be submitted to the Public Hearing Coordinator prior to proceeding to the next case. He added that this Board is a recommending board only, and the Board of County Commissioners will be hearing these cases later this month when a final determination will be made.

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Minutes

**MOTION** by Timothy Morris, **SECONDED** by James Gardner to approve the September 1, 2010 Lake County Zoning Board Public Hearing minutes, as submitted.

**FOR:** Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED:** 7-0

**Discussion of Agenda**

Brian Sheahan, AICP, Planning Director, noted that a letter of opposition has been received for CUP#10/10/1-5/Village Paw Spa so it will be removed from the consent agenda and placed on the regular agenda.

Mr. Sheahan added that due to concerns raised by the Town of Oakland, the applicant for PH#18-10-2/Amon Village has requested a continuance until the December 1, 2010 Zoning Board public hearing. The applicant has consented to address those concerns, and staff is in support of the request. Therefore, it will be removed from the consent agenda and moved to the regular agenda.

A request for a continuance of PH#28-10-4/Renningers Florida Twin Markets until the November 3, 2010 Zoning Board public hearing has been submitted so the applicant may appear before the Mount Dora City Council to describe what the project would encompass and its impacts on the City's residents.

Consent Agenda

CASE NO.: PH#27-10-2

AGENDA NO.: 3

OWNERS: McCoy Investments, Inc. and Green Isle Farm LLC  
APPLICANT: Lake County Planning and Community Design

In response to Egor Emery, Chairman Bryan said no speaker cards had been submitted for this case.

**MOTION** by Timothy Morris, **SECONDED** by Scott Blankenship to recommend approval of the above consent agenda.

**FOR:** Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED:** 7-0

**CASE NO.: PH#28-10-4**

**AGENDA NO.: 1**

**OWNER: Renningers Florida Twin Markets**  
**APPLICANTS: Cecelia Bonifay/Christopher Roper, Esquire**

Brian Sheahan, AICP, Planning Director, stated that the applicant was not present; a representative from the City of Mount Dora was present but did not wish to speak.

Chairman Bryan stated that no speaker cards had been submitted for this case.

**MOTION by Scott Blankenship, SECONDED by Egor Emery to continue PH#28-10-4 until the November 3, 2010 Zoning Board public hearing.**

Brian Sheahan, AICP, Planning Director, stated that the applicant, Cecelia Bonifay, had just come into the public hearing. Ms. Bonifay did not wish to speak.

**FOR: Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz**

**AGAINST: None**

**NOT PRESENT: Childers**

**MOTION CARRIED: 7-0**

**CASE NO.:** PH#18-10-2

**AGENDA NO.:** 4

**OWNERS:** Eagles Landing at Ocoee, LLC and Jack R. Amon  
**APPLICANT:** Rohland June, June Engineering Consultants, Inc.

Brian Sheahan, AICP, Planning Director, stated that a comment was made by the Town of Oakland during their review of this project regarding traffic impacts that could arise from this development. There has also been concerns noted by the Green Mountain Scenic Byway Committee, which should be able to be addressed. Staff is supportive of the continuance request to December 1, 2010 Zoning Board public hearing in order to obtain the necessary traffic data.

The applicant was present to represent the case; he did not wish to speak.

Chairman Bryan said he had received two speaker cards from the Town of Oakland.

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to continue PH#18-10-2 until the December 1, 2010 Zoning Board public hearing.**

**FOR:** Morris, Blankenship, Gardner, Emery, Bryan, Wells, Metz

**AGAINST:** None

**NOT PRESENT:** Childers

**MOTION CARRIED:** 7-0

CASE NO. CUP#10/10/1-5 AGENDA NO.: 2

OWNER: Doralice Hartmann  
APPLICANT: Nancy L. Herrin  
PROJECT NAME: Village Paw Spa

Melving Isaac, Planner, presented the case and staff recommendation of approval. He showed the aerial and concept plan on the monitor. He also showed on the monitor a memorandum that had been sent to the Zoning Board on September 29, 2010, regarding the applicant's request to increase the number of animals allowed from 20 to 40 and noting that staff had no objection to this request. This memorandum was submitted as County Exhibit A.

Mr. Isaac stated that a letter of opposition was received from the owner of an adjacent vacant property located south of the subject property. A copy of that letter has been provided to the Zoning Board. He pointed out the location of that property in relation to the subject property.

Nancy Herrin, applicant, was present to represent the case. She said her mother is the property owner; her daughter is the business owner. They have operated this facility for six years. They board many animals for people from The Villages. She also spoke of other clientele. She felt their property is an asset to the area. The writer of the letter of opposition, Mr. Mayo, lives out of state. His property is unoccupied with groves and woods. The waste from the animals is picked up twice a day. The dogs from day care do not bark when they are in the front play area. She said they also work with rescues and stray dogs and try to find homes for them.

Andrew Mayo said he has owned ten acres south of the subject property for 27 years. Mr. Mayo gave a PowerPoint presentation and submitted a hard copy of it as Opposition Exhibit A. He said he plans to retire on the ten acres he owns. He questioned how an existing building can be soundproofed after it has been built. Although the play areas are fenced, they are not fenced for noise mitigation. He said he had been okay with 20 dogs, but he has a big concern about 40 dogs. He said he had a concern about securing the facility and suggested a fence around the entire property. Regarding the noise study, he would prefer changing the wording to read "noise study shall be required rather than may be required." He said he would like clarification of the waste disposal process. He also would like twice daily pick up especially with the addition of 20 more dogs. He questioned the ventilation system used in the kennel. His biggest concern is that the applicant has placed the business for sale on the Internet. This facility has been operating since 2003 in violation of the zoning laws. He said he could skip the variance section of the presentation since he had spoken with Mr. Isaac before the public hearing, and Mr. Isaac was able to clarify the information for him.

When Egor Emery asked if Mr. Mayo had spent time at the property and could comment on the current noise level, Mr. Mayo said he has not been on the property recently but does want to retire there peacefully.

In response to James Gardner, Mr. Mayo said the property is vacant at this time; but when a house is built at the time of his retirement, there will be limitations as to where it can be placed because it is a narrow piece of property.

Chairman Bryan was informed by Mr. Mayo that his property is zoned Agriculture. In response to Chairman Bryan, Mr. Mayo said he was not aware of the allowed uses in Agriculture zoning without a Conditional Use Permit (CUP). He added that 20 dogs made it more palatable to him even though he had concerns even with 20 dogs. Twenty dogs was the staff recommendation. When he put together his presentation, he was not in objection to 20 dogs.

Regarding Mr. Mayo's concerns, Mr. Isaac read into the record Section 3 on Page 3 of the staff report regarding conditions in the ordinance. Mr. Emery was informed by Mr. Isaac that no site plan has been approved at this time.

When Chairman Bryan asked about the increase from 20 to 40 animals, Mr. Isaac said he has visited the

<b>CASE NO.</b>	<b>CUP#10/10/1-5</b>	<b>AGENDA NO.:</b>	<b>2</b>
<b>OWNER:</b>	<b>Doralice Hartmann</b>	<b>PAGE NO.:</b>	<b>2</b>
<b>APPLICANT:</b>	<b>Nancy L. Herrin</b>		
<b>PROJECT NAME:</b>	<b>Village Paw Spa</b>		

site twice. There was a misunderstanding at the beginning as far as the number of animals the applicant wanted on the property. Staff could support the request for 40 animals.

When Mr. Gardner asked about the normal ratio between dogs and cats, Mr. Isaac said there is nothing in the regulations about that. Mr. Gardner said he was concerned about the noise level as there is considerable difference in noise between a dog and cat. Mr. Isaac pointed out that there are conditions in the ordinance regarding noise. That will be addressed during site plan review.

Mark Wells asked staff to address why they felt comfortable with the number of animals increasing substantially but the net square footage of the building not increasing. Mr. Isaac said there is no maximum number of animals in a kennel required per the regulations, but the maximum number of allowable animals must be indicated in the ordinance. On his visits to the property, he did not notice anything that would affect all the adjacent property owners.

In response to Scott Blankenship, Mr. Isaac referred to No. 6 on Page 2 of the ordinance regarding noise. Depending on what is proposed and whether a noise study is done, staff would follow any recommendations made as the result of that noise study. He reiterated that although a proposed site plan has been submitted, nothing is approved at this time. This proposal will be treated as a new project.

Mr. Isaac stated that there is no minimum acreage requirement in the Land Development Regulations (LDRs) for a kennel.

Ms. Herrin said she did try to sell the property in 2007 and 2008. She was very sick at that time and put an ad on the Internet to see if the business would sell; it did not. Her daughter has taken over the business. The pictures that Mr. Mayo showed are five years old. They do not show how the property looks now. There are dogs in the front play yard two days a week with a maximum of four dogs each time. The back play area has an eight foot high fence. Most of the dogs do not want to be outside. They have both indoor and outdoor play areas. The waste is picked up on the property twice a day, and they have a contact with a company to have it picked up and disposed of once a week. The kennel has two exhaust fans with central heat and air. There is no odor. Typically there are 16 to 22 animals in the facility although it is busier during the holidays.

In response to Mr. Emery, Erin Hartigan, Assistant County Attorney, said the variance approved by the Board of Adjustment established the setback for the existing buildings.

Mr. Blankenship said he did not have a problem with the kennel as a business. It is a good operation at this time, but he questioned what it could become if it is sold. He was informed by Chairman Bryan that the Conditional Use Permit runs with the land. Mr. Isaac stated that there are conditions for inspection of the property within the ordinance.

Chairman Bryan said the kennel appears to be a well-run operation and will require site plan review, which will address many of the issues brought up by the adjacent property owner. He suggested conditions be placed on the front play area that it be open two days a week only with a maximum of five dogs at one time. He felt that would address many of the exterior noise concerns.

Mr. Wells suggested setting the hours of operation at 7 a.m. to 7 p.m.

**MOTION by Scott Blankenship, SECONDED by Timothy Morris to recommend approval, as amended, of CUP#10/10/1-5 for a kennel with the following conditions: The front play area shall be open two days a week only with a maximum of five dogs at any one time. The hours of operation for**

<b>CASE NO.</b>	<b>CUP#10/10/1-5</b>	<b>AGENDA NO.:</b>	<b>2</b>
<b>OWNER:</b>	<b>Doralice Hartmann</b>	<b>PAGE NO.:</b>	<b>3</b>
<b>APPLICANT:</b>	<b>Nancy L. Herrin</b>		
<b>PROJECT NAME:</b>	<b>Village Paw Spa</b>		

outside activities shall be 7 a.m. to 7 p.m.

Mr. Emery did not agree with limiting the use of the front play areas to two days a week. Chairman Bryan said he had suggested two days a week because that is what they are currently doing.

When Mr. Wells asked if the conditions are based on 20 or 40 animals, Chairman Bryan said it was 40 animals.

Ms. Herrin said five dogs in the front dog area would work fine for her. The play area is only used for the day care dogs on Tuesday and Thursday.

Mr. Emery expressed concern about this Board dealing with businesses already established without approvals, but he did not have a comfortable way to take care of this. He asked that language be added to the LDRs that would address kennels.

**FOR:** Morris, Blankenship, Bryan, Wells, Metz

**AGAINST:** Gardner, Emery

**NOT PRESENT:** Childers

**MOTION CARRIED:** 5-2

**AMENDMENT TO CHAPTER XI, ENTITLED SIGNS,  
OF THE LAND DEVELOPMENT REGULATIONS**

**AGENDA NO. 6**

Brian Sheahan, AICP, Planning Director, stated that this issue was identified by a business owner and brought forth through Paul Simmons, Planner, who sent it up the chain of command to ensure it was addressed in a timely manner.

Mr. Simmons said this involves a glitch or scrivener's error in the ordinance. It limits a multiple-occupancy business to a smaller size sign than what a single-occupancy business would be allowed. Language has been added to indicate how to measure the signs by copy area as well as a definition for sign copy area. He read the definition of Sign Copy Area into the record. He submitted and explained two diagrams (County Exhibits A and B) showing graphically what currently is allowed by Code. Staff does not feel this is what the original crafters of the sign ordinance intended when they wrote this. It is, in effect, penalizing the owner of multiple-occupancy signs.

**MOTION by Timothy Morris, SECONDED by Scott Blankenship to recommend approval of the Amendment to Chapter XI, Entitled Signs, of the Land Development Regulations.**

**FOR: Morris, Blankenship, Gardner, Bryan, Wells, Metz**

**AGAINST: Emery**

**NOT PRESENT: Childers**

**MOTION CARRIED: 6-1**

Retirement Ceremony

Chairman Bryan presented Sherie Ross, Public Hearing Coordinator, with a certificate and made some favorable comments regarding her long time tenure and service to the County and the Planning and Zoning Board; all members of the Board concurred with that. The Zoning Board then honored Ms. Ross with the opportunity to hammer the gavel to adjourn the meeting at 10:10 a.m.

Respectfully submitted,



Sherie Ross  
Public Hearing Coordinator



Paul Bryan  
Chairman